

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

| | | |
|-----------------------|---|----------------------------|
| KEVIN CHESTNUT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No.: 4:16-cv-1721-PLC |
| |) | |
| DAWAIN WALLACE et al, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**PLAINTIFF CHESTNUT’S MOTION FOR CLERK’S ENTRY OF JUDGMENT
AGAINST DEFENDANT DAWAIN WALLACE PURSUANT TO RULE 68
OFFER OF JUDGMENT**

COMES NOW Plaintiff, Kevin Chestnut, and for his motion states:

1. In Count I of Plaintiff’s First Amended Complaint, [Doc 14] Plaintiff states that his “Fourth Amendment Rights to be free from stop, frisk, and arrest without articulable facts from which to form a reasonable suspicion of wrongdoing” were damaged by Defendant Wallace in violation of Title 42 Section 1983.
2. On or about March 19, 2020, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant Wallace served upon Plaintiff, an offer of judgment:

COMES NOW Defendant Officer Dawain Wallace, and pursuant to Rule 68 of the Federal Rules of Civil Procedure, makes an offer of judgment to Plaintiff Kevin Chestnut on Count I of his First Amended Complaint in the amount of five-thousand dollars (\$5,000), plus any reasonable attorneys’

fees and costs that have accrued to date, as determined by the Court as more fully set forth in Exhibit 1, attached hereto.

3. Plaintiff accepted Defendant Wallace's offer of judgment by notice served upon Wallace's Counsel on 3/26/2020, attached hereto and marked Exhibit 1.
4. Proof of service of Plaintiff's acceptance of the offer of judgment is attached hereto as Exhibit 2.

Wherefore Plaintiff Kevin Chestnut requests the clerk of this court to enter judgment against Defendant Wallace and in favor of Plaintiff Kevin Chestnut on Count I of Plaintiff Chestnut's First Amended Complaint in the amount of Five-Thousand Dollars (\$5,000), plus any reasonable attorneys' fees and costs that have accrued to date, as determined by the Court.

Respectfully submitted,

SCHWARTZ, HERMAN & DAVIDSON

By: /s/ Robert Herman
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Attorney for Plaintiff Kevin Chestnut

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 25, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system.

By: /s/ Robert Herman